

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PATRICIA CONWAY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cv-01113-RLW
)	
MERCY HOSPITAL ST. LOUIS,)	
)	
Defendant.)	

**DEFENDANT MERCY HOSPITAL ST. LOUIS' STATEMENT OF
UNCONVERTED MATERIAL FACTS**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 4.01(E), Defendant Mercy Hospital St. Louis ("Mercy" or "Defendant"), through its undersigned counsel, hereby states for its Statement of Uncontroverted Material Facts as follows:

1. Mercy Health Ministries is a public juridic personality of the Roman Catholic Church. *Exhibit A*, Minder Declaration (§§ 9-11, Exhibits KM-3, KM-4, KM-5).
2. Mercy was founded by the Sisters of Mercy, a Roman Catholic religious order of nuns. *Exhibit A*, Minder Affidavit; (§§ 5-10, Exhibits KM-2, KM-3, KM-4, KM-19, KM-23).
3. Mercy Health Ministries was formed in accordance with the Canonical Statutes and is an entity for Canon Law purposes only, as it is not incorporated under the civil laws of any state. *Exhibit A*, Minder Declaration (§ 11, Exhibits KM-4, KM-5).
4. Mercy Health is the civil business entity and organization through which Mercy Health Ministries and the Catholic Church perform their health care services and mission work. *Exhibit A*, Minder Declaration (§ 12).
5. Mercy Hospital St. Louis is a d/b/a of Mercy Hospitals East Communities, which is a wholly-owned subsidiary of Mercy Health East Communities, which is a wholly-owned

subsidiary of Mercy Health, which is a wholly-owned subsidiary of Mercy Health Ministries. *Exhibit A*, Minder Declaration (¶¶ 13-14).

6. Mercy Hospital St. Louis' mission statement states: "As the Sisters of Mercy before us, we bring to life the healing ministry of Jesus through our compassionate care and exceptional service."; *Exhibit A*, Minder Declaration (¶ 39, Exhibit KM-19).

7. Mercy Health Ministries, Mercy Health, Mercy Hospital St. Louis, and all of Mercy Health's other wholly-owned subsidiaries are listed in the Official Catholic Directory, meaning that the listed entity can own property in the name of the Catholic Church and is considered tax exempt by the IRS based on its inclusion in the Official Catholic Directory. *Exhibit A*, Minder Declaration (¶¶ 17, 19, Exhibit KM-11, KM-34).

8. Mercy Health's Board of Directors consists of four nuns from the religious order of the Sisters of Mercy and is accountable to the Vatican Dicastery of the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life. *Exhibit A*, Minder Declaration (¶¶ 22-25, 37, Exhibits KM-8, KM-9, KM-15, KM-16, KM-17, KM-35).

9. Mercy Health's Articles of Incorporation and Bylaws identify its purpose as continuing the healing acts of Jesus Christ in accordance with the doctrines and tenets of the Catholic Church. *Exhibit A*, Minder Declaration (¶¶ 21, 31, 37-39, Exhibits KM-8, KM-13, KM-14)

10. Mercy adheres to Ethical and Religious Directives for Catholic Health Care Services promulgated by the United States Conference of Bishops. *Exhibit A*, Minder Declaration (¶¶ 40-44, Exhibits KM-8, KM-20, KM-21).

11. Mercy Hospital St. Louis is a non-profit healthcare provider and facility, with tax-exempt status from the IRS, that receives monetary funding from the Catholic Church through its

various Catholic Dioceses. *Exhibit A*, Minder Declaration (¶¶ 17-18, 26-29, Exhibits KM-8, KM-10, KM-11, KM-12).

12. Mercy's workplace is adorned with religious imagery and prayer occurs routinely and is also communicated over the public address system at least once a day. *Exhibit A*, Minder Declaration (¶¶ 45-50, 55-58, Exhibits KM-31, KM-32, KM-33).

13. The Missouri Commission on Human Rights has declared Mercy and all of its wholly-owned subsidiaries and affiliates to be organizations owned or operated by the Catholic Church and dismissed numerous discrimination charges on this bases, including the charge of discrimination filed by Plaintiff. *Exhibit A*, Minder Declaration (¶ 60, Exhibit KM-36).

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 16th day of March, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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